

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Bill Vladimir Gomelsky, and
American Earth Management,
Inc.
d.b.a. American Oil Company
13740 Saticoy St.
Van Nuys, CA 91402

EPA ID No. CAD 981427669

Respondents.

OAH File No. L2006060532

DTSC Docket HWCA 20040529

STIPULATION AND ORDER

Health and Safety Code
Section 25187

The State Department of Toxic Substances Control
(Department) and American Earth Management, Inc., dba American
Oil Company (American Oil Company), and Bill Vladimir Gomelsky
(Respondents) enter into this Stipulation and Order (Order) and
agree as follows:

1. A dispute exists regarding the First Amended
Enforcement Order issued by the Department on June 1, 2006,
(attached as Exhibit 1), and its allegations are contested. The
First Amended Enforcement Order superseded the Enforcement Order
issued by the Department on March 4, 2005. (Attached as Exhibit
2.)

2. The parties wish to avoid the expense of further
litigation and to ensure prompt action to achieve the Schedule
for Compliance below.

3. Jurisdiction exists pursuant to Health and Safety
Code section 25187.

4. Respondents waive any right to a hearing in this matter.

5. This Order shall constitute full settlement of the violations alleged in the First Amended Enforcement Order, but does not limit the Department from taking appropriate enforcement action concerning other violations.

6. By entering into this Stipulation and Order, Respondents do not admit any of the violations alleged.

6.1 Respondent Bill Vladimir Gomelsky is dismissed with prejudice as named Respondent in this matter; provided, however, that Bill Vladimir Gomelsky personally guarantees the obligations of Respondent American Oil Company, as set forth in section 8 below, and the Department retains jurisdiction to enforce section 8 against Bill Vladimir Gomelsky, until all amounts due under that section have been paid in full.

SCHEDULE FOR COMPLIANCE

7. Respondent American Oil Company shall comply with the following:

7.1.1. Effective immediately, Respondent American Oil Company shall not make false statements on any manifest.

7.1.2. Effective immediately, Respondent American Oil Company shall only deliver hazardous waste to a facility authorized to accept such waste.

7.1.3. Effective immediately, Respondent American Oil Company shall not intentionally contaminate used oil with other hazardous waste.

7.1.4. Effective immediately, Respondent American Oil Company shall not store hazardous waste, in excess of the ten

days allowed under the transfer facility exemption (California Code of Regulation, title 22, section 66263.18), unless the Respondent first applies and obtains the proper permit from the Department.

7.1.5. Effective immediately, Respondent American Oil Company shall not handle hazardous waste by transferring it from containers to a tanker truck in violation of California Code of Regulations, title 22, section 66263.18, subsection(b).

7.2. Compliance with Applicable Laws: Respondent American Oil Company shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

7.3. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents, except as provided in this Order. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

7.4. Site Access: Nothing in this Order shall limit any right of entry or inspection that the Department or any other agency may otherwise have by operation of any law.

PAYMENTS

8. Respondent American Oil Company shall pay the Department a total of \$ 60,000, of which \$30,000 is a penalty and

\$30,000 is reimbursement of the Department's costs. The payment schedule shall be as follows:

November 30, 2006 - \$30,000, as reimbursement of the Department's costs.

February 28, 2007 - \$10,000

June 30, 2007 - \$10,000

October 31, 2007 - \$10,000

Respondent American Oil Company's checks shall be made payable to Department of Toxic Substances Control, and shall be delivered together with the attached Payment Voucher to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

Photocopies of the checks shall be sent:

To: Mary Locke
Branch Chief
Department of Toxic Substances Control
1001 I Street
P. O. Box 806
Sacramento, California 95812-0806

To: Joseph Smith, Esq.
Office of Legal Counsel
Department of Toxic Substances Control
1001 I Street, 23rd floor
P. O. Box 806
Sacramento, California 95812-0806

If Respondent American Oil Company fails to make any payment as provided above, the entire unpaid balance becomes immediately due and payable from both Respondent American Oil Company and Bill Vladimir Gomelsky, personally, and the Department may immediately apply for and obtain a judgment against both American Earth Management, Inc., dba American Oil

Company, and Bill Vladimir Gomelsky, for the full unpaid balance under Health and Safety Code section 25184.1.

Furthermore, if Respondent American Oil Company fails to make any payment as provided above, both Respondent American Oil Company and Bill Vladimir Gomelsky agree to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by the Department in pursuing collection including attorney's fees.

OTHER PROVISIONS

9.1. Additional Enforcement Actions: By agreeing to this Order, the Department does not waive the right to take further enforcement actions, except to the extent provided in this Order.

9.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may subject Respondents to civil penalties and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

9.3. Parties Bound: This Order shall apply to and be binding upon Respondent American Oil Company, its successors, and its assigns.

9.4. Effective Date: The effective date of this Order is the date it is signed by the Department.

9.5. Integration: This agreement constitutes the entire agreement between the parties and may not be amended, supplemented, or modified, except by a document signed by all parties.

ORIGINAL SIGNED BY :

Dated: 10-24-06

Bill Gomelsky for :

American Earth Management, Inc. dba
American Oil Company

Respondent

By: Bill Vladimir Gomelsky,
President

Dated: 10-24-06

BILL GOMELSKY

Bill Vladimir Gomelsky

Respondent

Dated: 10-26-06

MARY LOCKE

Mary Locke, Branch Chief
Department of Toxic Substances
Control

Exhibit 1

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Bill Vladimir Gomelsky, and
American Earth Management, Inc.
d.b.a. American Oil Company
13740 Saticoy St.
Van Nuys, CA 91402

EPA ID No. CAD 981427669

Respondents

Docket HWCA 20040529

FIRST AMENDED ENFORCEMENT
ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this First Amended Enforcement Order (Order) to Bill Vladimir Gomelsky and American Earth Management, Inc., d.b.a. American Oil Company (Respondents).

1.2. Site. At all times relevant to this Order, Respondents transported hazardous waste and operated their business out of 13740 Saticoy St., Van Nuys, CA 91402.

1.3. Permit/Interim Status. At all times relevant to this Order, the Department authorized Respondents to manage hazardous waste by hazardous waste transporter registration number 1601, which was issued on or about April 10, 1987.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondents violated Health and Safety Code section 25189.2, subdivision (a), in that on the following occasions, Respondents made false statements on manifests.

2.1.a. Manifest #20842252, dated September 26, 2001 (Northridge Laboratories), falsely states that the waste is non-flammable (waste code 221, in a tanker truck).

2.1.b. Manifest #20071563, dated July 24, 2000 (Lakeside Boat Services), falsely states that the waste is non-flammable (waste code 221).

2.1.c. Manifest #20071571, dated July 24, 2000 (Paul Thorsen), falsely states that the waste is non-flammable (waste code 221, in a tanker truck).

2.2. The Respondents violated California Code of Regulations, title 22, section 66263.23, subsection (b), in that on the following occasions, Respondents delivered used oil mixed with contaminated petroleum products and/or waste solvents to a hazardous waste facility which is not authorized by the Department to receive the waste.

2.2.a. Manifest #20842252, dated September 26, 2001 (Northridge Laboratories), shows that the waste (ignitable, solvents) was taken to a facility that is not authorized to receive such waste.

2.2.b. Manifest #20071563, dated July 24, 2000 (Lakeside Boat Services), shows that the waste (gasoline) was taken to a facility that is not authorized to receive such waste.

2.2.c. Manifest #20071571, dated July 24, 2000 (Paul Thorsen), shows that the waste (ignitable, fuel) was taken to a facility that is not authorized to receive such waste.

2.3. The Respondents violated Health and Safety Code section 25250.7, subdivision (a), in that on four separate occasions between July 24, 2000 and November 8, 2001, Respondents intentionally contaminated used oil with other hazardous waste.

2.3.a. Manifest #20842252, dated September 26, 2001 (Northridge Laboratories), shows that Respondents picked up solvents, a hazardous waste, from the generator and delivered used oil contaminated with solvents to the TSDF.

2.3.b. Manifest #20071563, dated July 24, 2000 (Lakeside Boat Services), shows that Respondents picked up flammable gasoline, a hazardous waste, from the generator and delivered used oil contaminated with flammable gasoline, to the TSDF.

2.3.c. Manifest #20071571, dated July 24, 2000 (Paul Thorsen), shows that Respondents picked up flammable fuel, a hazardous waste, from the generator and delivered used oil contaminated with flammable fuel, to the TSDF.

2.4. The Respondents violated Health and Safety Code section 25201, subdivision (a) in that between November 3, 2001 and December 28, 2001, Respondents stored hazardous waste in excess of the ten days allowed under the transfer facility exemption (California Code of Regulations, title 22, section 66263.18) without a permit or other grant of authorization from the Department. This involved the following manifests: #20833690, 20833700, 20833748, 20833746, 20833855, and 20833907.

2.5. The Respondents violated Health and Safety Code section 25201, subdivision (a), in that on at least the following occasions, Respondents handled hazardous waste by transferring it from drums to a tanker truck, without a permit or other grant of authorization from the Department.

2.5.a. Manifest #20842252, dated September 26, 2001 (Northridge Laboratories), shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.

2.5.b. Manifest #20071563, dated July 24, 2000 (Lakeside Boat Services), shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.

2.5.c. Manifest #20071571, dated July 24, 2000 (Paul Thorsen), shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Effective immediately, Respondents shall not make false statements on any manifest.

3.1.2. Effective immediately, Respondents shall only deliver hazardous waste to a facility authorized to accept such waste.

3.1.3. Effective immediately, Respondents shall not intentionally contaminate used oil with other hazardous waste.

3.1.4. Effective immediately, Respondents shall not store hazardous waste, in excess of the ten days allowed under the transfer facility exemption (California Code of Regulation, title 22, section 66263.18), unless the Respondents first apply and obtain the proper permit from the Department.

3.1.5. Effective immediately, Respondents shall not handle hazardous waste by transferring it from drums to a tanker truck, unless the Respondents first apply and obtain the proper permit from the Department.

3.2. Submittals. All submittals from the Respondents pursuant to this Order shall be sent to:

Mary Locke, Chief Criminal Investigator
Criminal Investigations Branch
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806
Sacramento, CA 95812-0806

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondents in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondents with recommended changes and a date by which Respondents must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry

or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site; reviewing the progress of Respondents in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondents shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondents for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by the Department.

3.11. Extension Request: If Respondents are unable to perform any activity or submit any document within the time required under this Order, the Respondents may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.12. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondents, their successors, and their assigns.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$117,900.00. Payment is due within 30 days from the effective date of the Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondents and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mary Locke, Chief Criminal Investigator
Criminal Investigations Branch
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806
Sacramento, CA 95812-0806

RIGHT TO A HEARING

6. Respondents have a right to a hearing to challenge the Order. Respondents have submitted a Notice of Defense to the Department in response to the original Enforcement Order issued on March 4, 2005. Because this Order amends the

March 4, 2005 Order, the Notice of Defense for the March 4, 2005 Order will constitute a Notice of Defense for this Order. A hearing shall be set for this Order.

Date of Issuance

6-1-06

Original Signed By:

U

Mary Locke

Chief Criminal Investigator

Department of Toxic Substances Control

RECEIVED

Stipulation and Order Page 18

Exhibit 2

STATE OF CALIFORNIA
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF TOXIC SUBSTANCES CONTROL

In the Matter of:

Bill Vladimir Gomelsky, and
American Earth Management,
Inc.
d.b.a. American Oil Company
13740 Saticoy St.
Van Nuys, CA 91402
EPA ID No. CAD 981427669

Respondents

Docket HWCA 20040529

ENFORCEMENT ORDER

Health and Safety Code
Section 25187

INTRODUCTION

1.1. Parties. The State Department of Toxic Substances Control (Department) issues this Enforcement Order (Order) to American Earth Management, Inc., d.b.a. American Oil Company; Bill Vladimir Gomelsky, its President (Respondents).

1.2. Site. Respondents transport hazardous waste and operate their business out of 13740 Saticoy St., Van Nuys, CA 91402.

1.3. Permit/Interim Status. The Department authorized Respondent, American Oil Company, to transport hazardous waste by hazardous waste transporter registration number 1601, which was issued on or about April 10, 1987 and expires on May 31, 2005.

1.4. Jurisdiction. Section 25187 of the Health and Safety Code authorizes the Department to order action necessary

to correct violations and assess a penalty when the Department determines that any person has violated specified provisions of the Health and Safety Code or any permit, rule, regulation, standard, or requirement issued or adopted pursuant thereto.

DETERMINATION OF VIOLATIONS

2. The Department has determined that:

2.1. The Respondents violated Health and Safety Code section 25189.2, subdivision (a), in that on five separate occasions between July 24, 2000, and November 8, 2001, Respondents made false statements on five different manifests by misrepresenting the waste description, waste code, or container.

2.1.a. Manifest #20842252, dated September 26, 2001, falsely states that the waste is non-flammable (waste code 221, in a tanker truck).

2.1.b. Manifest #20074926, dated September 21, 2001, falsely states that the waste is non-flammable (waste code 291).

2.1.c. Manifest #20071563, dated July 24, 2000, falsely states that the waste is non-flammable (waste code 221, in a tanker truck).

2.1.d. Manifest #20071571, dated July 24, 2000, falsely states that the waste is non-flammable (waste code 221, in a tanker truck).

2.1.e. Manifest #20833738, dated November 8, 2001, falsely states that the waste was oil and water (in a tanker truck).

2.2. The Respondents violated California Code of Regulations, title 22, section 66263.23, subsection (b), in that on five separate occasions between June 28, 2000 and October 15, 2001, Respondents delivered used oil mixed with contaminated petroleum products and/or waste solvents to a hazardous waste facility that is not authorized by the Department to receive the waste.

2.2.a. Manifest #20842252, dated September 26, 2001, shows that the waste (ignitable, solvents) was taken to a facility that is not authorized to receive such waste.

2.2.b. Manifest #20071563, dated July 24, 2000, shows that the waste (gasoline) was taken to a facility that is not authorized to receive such waste.

2.2.c. Manifest #20071295, dated June 28, 2000, shows that the waste (stoddard solvent, waste code 213) was taken to a facility that is not authorized to receive such waste.

2.2.d. Manifest #20071571, dated July 24, 2000, shows that the waste (ignitable, fuel) was taken to a facility that is not authorized to receive such waste.

2.2.e. Manifest #20842346, dated October 15, 2001, shows that the waste (gasoline, per the receipt) was taken (on a consolidated manifest) to a facility that is not authorized to receive such waste.

2.3. The Respondents violated Health and Safety Code section 25189.2, subdivision (c), in that on two separate occasions between September 11, 2000 and September 28, 2001, Respondents caused the disposal or disposed of two separate drums of non-RCRA hazardous waste at a point which is not authorized.

2.3.a. Waste transported under Manifest #20074927, dated September 11, 2000, was not disposed of at D/K Environmental, as the manifest represents.

2.3.b. Waste transported under Manifest #20842341, dated September 28, 2001, was not disposed of at Industrial Service Oil Co., Inc., as the manifest represents.

2.4. The Respondents violated Health and Safety Code section 25250.7, subdivision (a), in that on four separate occasions between July 24, 2000 and November 8, 2001, Respondents intentionally contaminated used oil with other hazardous waste.

2.4.a. Manifest #20842252, dated September 26, 2001, shows that Respondents picked up solvents, a hazardous waste, from the generator and delivered used oil contaminated with solvents to the TSDF.

2.4.b. Manifest #20071563, dated July 24, 2000, shows that Respondents picked up flammable gasoline, a hazardous waste, from the generator and delivered used oil contaminated with flammable gasoline, to the TSDF.

2.4.c. Manifest #20071571, dated July 24, 2000, shows that Respondents picked up flammable fuel, a hazardous waste, from the generator and delivered used oil contaminated with flammable fuel, to the TSDF.

2.4.d. Manifest #20833738, dated November 8, 2001, shows that Respondents picked up water with pyrotechnics, from the generator as a hazardous waste and

delivered used oil contaminated with
water with pyrotechnics, to the TSDF.

2.5. The Respondents violated California Code of Regulations, title 22, section 66263.21, subsection (a)(1), in that on or about September 21, 2001, Respondents failed to deliver the entire quantity of hazardous waste that they picked up to the designated facility listed on the manifest. Manifest #20074926, dated September 21, 2000, shows that 150 gallons of hazardous waste was picked up and 100 gallons was delivered to the TSDF.

2.6. The Respondents violated Health and Safety Code section 25201, subdivision (a) in that between November 3, 2001 and December 28, 2001, Respondents stored hazardous waste in excess of the ten days allowed under the transfer facility exemption (California Code of Regulations, title 22, section 66263.18) without a permit or other grant of authorization from the Department. This involved the following manifests:
#20833690, 20833700, 20833748, 20833746, 20833855, and 20833907.

2.7. The Respondents violated Health and Safety Code section 25201, subdivision (a) in that on four separate occasions between July 24, 2000 and November 8, 2001, Respondents stored hazardous waste, without a permit or other grant of authorization from the Department, and did not qualify for the ten day transfer facility exception by virtue of Respondents' handling of the waste.

- 2.7.a. Manifest #20842252, dated September 26, 2001, shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.
- 2.7.b. Manifest #20071563, dated July 24, 2000, shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.
- 2.7.c. Manifest #20071571, dated July 24, 2000, shows that the hazardous waste was picked up in a drum and delivered to the TSDF in a tanker truck.
- 2.7.d. Manifest #20833738, dated November 8, 2001. The hazardous waste was picked up in a pick up truck. The manifest shows that it was delivered to the TSDF in a tanker truck.

SCHEDULE FOR COMPLIANCE

3. Based on the foregoing Determination of Violations, IT IS HEREBY ORDERED THAT:

3.1.1. Effective immediately, Respondents shall not make false statements on any manifest.

3.1.2. Effective immediately, Respondents shall only deliver hazardous waste to a facility authorized to accept such waste.

3.1.3. Effective immediately, Respondents shall not dispose or cause the disposal of hazardous waste at a point which is not authorized.

3.1.4. Effective immediately, Respondents shall not intentionally contaminate used oil with other hazardous waste.

3.1.5. Effective immediately, Respondents shall deliver the entire quantity of hazardous waste to the designated facility.

3.1.6. Effective immediately, Respondents shall not store hazardous waste, in excess of the ten days allowed under the transfer facility exemption (California Code of Regulation, title 22, section 66263.18), unless the Respondents first apply and obtain the proper permit from the Department.

3.1.7. Effective immediately, Respondents shall not handle hazardous waste by transferring it from drums to a tanker truck, unless the Respondents first apply and obtain the proper permit from the Department.

3.2. Submittals. All submittals from the Respondents pursuant to this Order shall be sent to:

Mary Locke, Chief Criminal Investigator
Criminal Investigations Branch
Department of Toxic Substances Control
1001 I Street, 23rd Floor

P.O. Box 806

Sacramento, CA 95812-0806

3.3. Communications. All approvals and decisions of the Department made regarding submittals and notifications will be communicated to Respondents in writing by the Branch Chief, Department of Toxic Substances Control, or his/her designee. No informal advice, guidance, suggestions, or comments by the Department regarding reports, plans, specifications, schedules, or any other writings by Respondents shall be construed to relieve Respondents of the obligation to obtain such formal approvals as may be required.

3.4. Department Review and Approval. If the Department determines that any report, plan, schedule, or other document submitted for approval pursuant to this Order fails to comply with the Order or fails to protect public health or safety or the environment, the Department may:

a. Modify the document as deemed necessary and approve the document as modified, or

b. Return the document to Respondents with recommended changes and a date by which Respondents must submit to the Department a revised document incorporating the recommended changes.

3.5. Compliance with Applicable Laws: Respondents shall carry out this Order in compliance with all local, State, and federal requirements, including but not limited to requirements to obtain permits and to assure worker safety.

3.6. Endangerment during Implementation: In the event that the Department determines that any circumstances or activity (whether or not pursued in compliance with this Order) are creating an imminent or substantial endangerment to the health or welfare of people on the site or in the surrounding area or to the environment, the Department may order Respondents to stop further implementation of this Order for such period of time as needed to abate the endangerment. Any deadline in this Order directly affected by a Stop Work Order under this section shall be extended for the term of the Stop Work Order.

3.7. Liability: Nothing in this Order shall constitute or be construed as a satisfaction or release from liability for any conditions or claims arising as a result of past, current, or future operations of Respondents. Notwithstanding compliance with the terms of this Order, Respondents may be required to take further actions as are necessary to protect public health or welfare or the environment.

3.8. Site Access: Access to the site shall be provided at all reasonable times to employees, contractors, and consultants of the Department, and any agency having jurisdiction. Nothing in this Order is intended to limit in any way the right of entry or inspection that any agency may otherwise have by operation of any law. The Department and its authorized representatives shall have the authority to enter and move freely about all property at the Site at all reasonable times for purposes including but not limited to: inspecting records, operating logs, and contracts relating to the Site;

reviewing the progress of Respondents in carrying out the terms of this Order; and conducting such tests as the Department may deem necessary. Respondents shall permit such persons to inspect and copy all records, documents, and other writings, including all sampling and monitoring data, in any way pertaining to work undertaken pursuant to this Order.

3.9. Data and Document Availability. Respondents shall permit the Department and its authorized representatives to inspect and copy all sampling, testing, monitoring, and other data generated by Respondents or on Respondents' behalf in any way pertaining to work undertaken pursuant to this Order. Respondents shall allow the Department and its authorized representatives to take duplicates of any samples collected by Respondents pursuant to this Order. Respondents shall maintain a central depository of the data, reports, and other documents prepared pursuant to this Order. All such data, reports, and other documents shall be preserved by Respondents for a minimum of six years after the conclusion of all activities under this Order. If the Department requests that some or all of these documents be preserved for a longer period of time, Respondents shall either comply with that request, deliver the documents to the Department, or permit the Department to copy the documents prior to destruction. Respondents shall notify the Department in writing at least six months prior to destroying any documents prepared pursuant to this Order.

3.10. Government Liabilities: The State of California shall not be liable for injuries or damages to persons or

property resulting from acts or omissions by Respondents or related parties in carrying out activities pursuant to this Order, nor shall the State of California be held as a party to any contract entered into by Respondents or its agents in carrying out activities pursuant to the Order.

3.11. Incorporation of Plans and Reports. All plans, schedules, and reports that require Department approval and are submitted by Respondents pursuant to this Order are incorporated in this Order upon approval by the Department.

3.12. Extension Request: If Respondents are unable to perform any activity or submit any document within the time required under this Order, the Respondents may, prior to expiration of the time, request an extension of time in writing. The extension request shall include a justification for the delay.

3.13. Extension Approvals: If the Department determines that good cause exists for an extension, it will grant the request and specify in writing a new compliance schedule.

OTHER PROVISIONS

4.1. Additional Enforcement Actions: By issuance of this Order, the Department does not waive the right to take further enforcement actions.

4.2. Penalties for Noncompliance: Failure to comply with the terms of this Order may also subject Respondents to costs, penalties, and/or punitive damages for any costs incurred by the Department or other government agencies as a result of

such failure, as provided by Health and Safety Code section 25188 and other applicable provisions of law.

4.3. Parties Bound: This Order shall apply to and be binding upon Respondents, and its officers, directors, agents, employees, contractors, consultants, receivers, trustees, successors, and assignees, including but not limited to individuals, partners, and subsidiary and parent corporations.

4.4. Time Periods. "Days" for purposes of this Order means calendar days.

PENALTY

5. Based on the foregoing DETERMINATION OF VIOLATIONS, the Department sets the amount of Respondents' penalty at \$204,900.00. Payment is due within 30 days from the effective date of the Order. Respondents' check shall be made payable to the Department of Toxic Substances Control, and shall identify the Respondents and Docket Number, as shown in the heading of this case. Respondents shall deliver the penalty payment to:

Department of Toxic Substances Control
Accounting Office
1001 I Street, 21st floor
P. O. Box 806
Sacramento, California 95812-0806

A photocopy of the check shall be sent to:

Mary Locke, Chief Criminal Investigator
Criminal Investigations Branch
Department of Toxic Substances Control
1001 I Street, 23rd Floor
P.O. Box 806

Sacramento, CA 95812-0806

RIGHT TO A HEARING

6. Respondents may request a hearing to challenge the Order. Appeal procedures are described in the attached Statement to Respondents.

EFFECTIVE DATE

7. This Order is final and effective fifteen days from the date of service, which is the date the Order was served upon the Respondents, unless Respondents request a hearing within the fifteen-day period.

Date of Issuance

March 4, 2005

Original Signed By:

M
Mary Locke
Chief Investigator
Department of Toxic Substances Control

PAYMENT VOUCHER

Docket No.: HWCA 20040529

Respondent: American Earth Management, Inc., dba American Oil Company

ID No.: CAD 981427669

County: Los Angeles

Total Due: \$60,000

Administrative Costs \$30,000

Penalty \$30,000

Payment No.	Due Date	Amount Due
1	November 30, 2006	\$30,000
2	February 28, 2007	\$10,000
3	June 30, 2007	\$10,000
4	October 31, 2007	\$10,000